

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 2ND DAY OF APRIL 1998

BEFORE

THE HON'BLE MR. JUSTICE H. RANGAVITTALACHAR

H.R.R.P. NO.1480/1997

1. Smt. Rathna Bai,
W/o Late Sri. D.H. Ashwathanarayana
Major.
2. Sri. A. Varadaraj
S/o Late D.H. Ashwathanarayana
Major.
3. Sri. A. Sriram S/o
Late D.H. Ashwathanarayana
Major.

All are residing at No.61/1
(Northern Portion), Middle
School Road, Vishweshwarapuram,
Bangalore-560 004.

..PETITIONERS.

(By Sri. K.N. Dayalu, Adv. for Petrs.)

-Vs-

Dr. M. Chandrasekhar,
S/o Dr. G. Mahadevappa,
Major, residing at No.46/58,

..2..

Central Street, 13th
Block, Kumarapark West,
Bangalore-20.

..RESPONDENT.

(By Sri. R.B. Sadasivappa, Adv. for C/R)

* * *

HRRP is filed U/s 50(1) of the KRC Act
against the order dated 5.11.1997 passed in
HRC NO.983/1995 on the file of the Addl.
Judge, Court of Small Causes, Bangalore.

This HRRP coming on for ADMISSION this
day, the Court made the following:-

ORDER

Admit.

With the consent of the learned counsels for
the parties, the same is taken up for final hearing
and disposed-off.

The tenant has questioned the correctness
of the ~~deposition~~ ^{deposition} corrected by the learned Judge
without putting the witness into the box inspite
of the tenant objecting the same in this revision
petition.

Normally arithmetical and clerical errors
in ~~deposition~~ ^{deposition} with the consent of the parties are
corrected after the deposition is recorded and

and witness evidence is closed. But when the tenant who has cross examined opposes any correction of statement already recorded, the proper Course is to recall the witness, administer the oath, thereafter correct the said statement.

Such a procedure is not followed in this case and the learned Judge notwithstanding the objection of the tenant has corrected the deposition in the absence of the witness, who deposed.

The order passed on 5.11.1997 therefore is set-aside and the matter is remanded to the learned Judge to reconsider the I.A. filed by the respondents in accordance with law.

Petition allowed.

Sd/-

JUDGE.

Ty by: GM

C by: U

R by: YKS

Copy

Assistant Registrar
High Court of Karnataka
Bangalore-560 001

21/5/98



